

**ALL CORRECTIONS TO NOTES ON THIS
CALENDAR SHOULD BE FILED NO LATER
THAN 12 P.M. (NOON) ON Friday, FEBRUARY
18, 2005. SECOND CHECK WILL BE POSTED
ON Tuesday, February 22, 2005.
DOCUMENTS FILED AFTER THIS TIME MAY
NOT BE REVIEWED PRIOR TO HEARING
AND COULD RESULT IN A CONTINUANCE
OF YOUR CASE.**

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **PROBATE**

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS01021

CASE NAME: IN THE MATTER OF DAVID RYAN CAMAIONI

HEARING:
Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:
DAVID RYAN CAMAIONI (DEC)...
CARLYN ANNE CAMAIONI (STE)...PRO/PER
FOREST FOX (MAUREEN MURATORE)...MAUREEN M
WESTERN SURETY COMPANY (LEWIS D'AMATO BRISBOIS &
BISGA)...LEWIS D'A
JERE L. FOX (JERE L FOX)...JERE L FO
RON B OLUND (HARTNELL LISTER & MOORE)...HARTNELL

GENERAL INFORMATION: No file available for review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS04154

CASE NAME: ESTATE OF JACK PAUL MACDONALD ET AL

HEARING:

FIRST AND FINAL REPORT OF ADMINISTRATRIX Account and Report of
DIANE M. ROCHELEAU and Petition for allowance of fees filed.

COUNSEL:

DIANE M. ROCHELEAU (PET)...C L FARRELL
JACK PAUL MACDONALD (DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Report on Waiver of Account
Continued from 9-10-04, 10-29-04, 1-7-05 & 1/28/05. Counsel indicated she was going to file a supplemental petition for extraordinary fees. Nothing filed yet.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Sole heir (administrator) waives accounting.
2. Administrator gave herself advances without court approval. \$1652.
3. Administrator loaned \$20,000 to her son, which was repaid. Gave herself \$20,000 loan, repaid.
4. Administrator waiving any statutory compensation and states that as no harm to estate since she is sole beneficiary, requesting approval. JTD
5. Administrator requesting reimbursement of \$2048 for costs paid. OK
6. Attorney requesting fee of \$7968.96. OK Has funds from cost retainer, net to attorney is \$6508.96.
7. Taxes have not been paid. Beneficiary agrees to file the returns and pay, personally, any taxes due. OK
8. No proposed Order submitted.

RECOMMENDATION:

RFA subject to court approval of actions taken. Once approved, set hearing for filing of receipts and final discharge for 2/10/06

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05010

CASE NAME: ESTATE OF SHERIAN SUE MOLLER

HEARING:

FIRST CURRENT Account and Report of SHERI L MURRAY and Petition
for allowance of fees filed.

COUNSEL:

SHERI L MURRAY	(PET)...	FULLERTON LEMANN SCHAEFFER & D
SHERIAN SUE MOLLER	(DEC)...	
SHARON DOVALE	(TP)...	MARTIN E KELLER
LISA M UNDERWOOD	(PRO/PER)...PRO/PER
HEIR BUYOUT COMPANY	(PRO/PER)...PRO/PER
MARTIN E KELLER	()...
INHERITANCE FUNDING COMPANY, L	(PRO/PER)...PRO/PER

GENERAL INFORMATION: This matter set for hearing on First Account and Report and for allowance of Fees. Hearing on accounting previously continued from January 9, March 12, May 28, September 10, October 22, and December 17, 2004. Accounting has now been filed and covers the period of September 20, 2002 through August 31, 2004. The accounting is a combined accounting for the estates of decedent and her simultaneously deceased husband, James L. Moller.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate not ready to close due to pending litigation regarding an asset of the decedent's business. Additionally, the business has not yet been sold. Petitioner requests the estate remain open for another year. Ok.
2. Statutory fees are \$25,642.46. Petitioner and counsel seek 80% or \$20,514 of the statutory compensation be paid now as she has completed a majority of the services required of her. Judge to decide.
3. Petitioner requests preliminary distribution to the two direct heirs of decedent's estate. Petitioner asserts that all of the creditor claims have been paid and believes that a preliminary distribution will not adversely affect creditors or the

estate. She requests each heir be given \$120,000. The value of the decedent's estate is over 1 million, and the distribution is less than 50% of the estate. What is the nature of the litigation regarding the business? If the estate loses the litigation, what are the possible financial implications to the estate? Will there be enough money left in the estate to pay the litigation debt if the preliminary distribution is granted? (Pr. C. § 1161). Please file supplemental.

4. Schedule G provides a list of preliminary distributions to the combined heirs of cash and property. Pr. C. § 1520 limits preliminary distributions without court authority to personal property with an aggregate fair market value of \$50,000 and cash distributions of no more than \$10,000 per heir. There appears to be a violation of the statute as follows: 1. The aggregate property distribution amount is approximately \$110,000. 2. Michael Moller received \$17,376; Lisa Underwood received \$37,376; Sharon Dovalle received \$17,376. Please file verified supplemental explaining.
5. There are no objections to accounting.

RECOMMENDATION: Need to clear notes. If account approved, set matter for accounting review February 24, 2006.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05011

CASE NAME: ESTATE OF JAMES L. MOLLER

HEARING:

FIRST CURRENT Account and Report of SHERI L MURRAY and Petition
for allowance of fees filed.

COUNSEL:

SHERI L MURRAY	(PET)...	FULLERTON LEMANN SCHAEFFER & D
JAMES L MOLLER	(DEC)...	
SHARON DOVALE	(TP)...	PRO/PER
LISA M UNDERWOOD	(PRO/PER)...PRO/PER
MARTIN E KELLER	()...
INHERITANCE FUNDING COMPANY, L	(PRO/PER)...PRO/PER

GENERAL INFORMATION: See notes immediately above.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05248

CASE NAME: MTR OF WELTON FAMILY TRUST

HEARING:

FIRST AND FINAL Account and Report of MELODIE A SCOTT and
Petition for allowance of fees filed.

COUNSEL:

NANCY I. BRAGG	(PET)...
BILLY BRAGG	(PET)...
SUSAN BRAGG	(PET)...
SHARON BRAGG GILLISON	(PET)...
PAUL H SMITH	(OBJ)...CALDWELL, KENNEDY & PORTER, A.
HAZEL P MOORE	(DALE C HUFFAKER)...DALE C HU
MELODIE A SCOTT	(HARTNELL HORSPOOL & FOX)...HARTNELL

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account of Successor Trustee
Due to a dispute regarding the original trustee's accounting (Paul Smith), the parties
reached an agreement regarding a successor trustee. The former trustee's accounting
was approved on eve of trial, with Mr. Smith making no further claim on trust. Continued
from December 17, 2004, to allow objector, Billy Bragg to file written objections.
Objections due 15 days(February 10, 2005) prior to this hearing. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Unclear whether there are any outstanding issues regarding the documents which
constitute the trust, as one of the issues in the Trial Brief related to the execution of
the several amendments to the trust. Please file copy of all current trust documents
and supplement regarding whether there is any dispute as to the validity of any of
the amendments.
2. One of the prior issues regarding the trust was that Mr. Smith was given a 1.75
point fee for his services, as per the 3rd amendment. Successor trustee suggests

that 1.75 is not a reasonable trust fee and that 1% is more reasonable. This trust had assets of \$894,337.31 at beginning of accounting period. However, successor trustee is not requesting 1%, but that Court approve the \$9000 already paid to herself over the 20 month period. Court might wish to require some further description of the services rendered before determining reasonableness.

3. Attorneys have been paid \$10,681.25 for services rendered, but no billings have been presented. Court may wish to require the billings to determine whether these fees were reasonable.
4. Trustee billing for overhead long distance phone charges of \$30.74.

RECOMMENDATION:

Need to file supplement.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05368

CASE NAME: EST OF JAMES J LIPKE

HEARING:

Petition for TO DETERMINE TITLE AND TO REQUIRE TRANSFER OF
SECURITY INTEREST IN REAL PROPERTY ETC

COUNSEL:

DEBRA A LIPKE	(PET)...	JOHN M RAGER
JAMES J LIPKE	(DEC)...	
CINDY M RAZZETTI	(SA)...	BRYAN C. HARTNELL

GENERAL INFORMATION: No file available for review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05406

CASE NAME: EST OF JACK A ROESCH

HEARING:

FIRST AND FINAL Account and Report of CHERYL ROESCH PATCHEN and
Petition for allowance of fees filed.

COUNSEL:

CHERYL ROESCH PATCHEN (PET)...ROBERT V. FULLERTON
JACK A ROESCH (DEC)...

GENERAL INFORMATION: This matter set for hearing on First and Final Account and Request for Fees; Petitioner to Appoint Special Trustee. Letters issued July 18, 2003. Accounting covers period of April 11, 2003 through September 30, 2004. Continued from November 12, 2004 and January 14, 2005.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$6,175.93. Ok.
2. Will provides for residue of estate to be placed into existing Trust. One of the residue assets is a life insurance policy owned by the decedent and the insured is the surviving spouse. The beneficiary of the policy is the Trust. The Trust instrument was not filed with the court, however according to petitioner, the Trust requires that upon the death of the owner spouse, the ownership interest is to be held by petitioner. Therefore, petitioner now requests that she be appointed special trustee of the insurance policy to serve without bond pursuant to the Trust instrument. Please file copy of Trust Instrument.

RECOMMENDATION: Need copy of Trust Instrument before account can be approved.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05453

CASE NAME: ESTATE OF GLENN JERMONE WALLACE

HEARING:

Petition for ORDER DIRECTING DELIVERY OF FUNDS TO THE ESTATE

COUNSEL:

LINDA WALLACE RENFURM (PET)...RONALD W ASK
GLENN JEROME WALLACE (DEC)...
DEBORAH GOLDEN (TP)...ROBERT A KRASNEY
PATRICIA WALLACE (RONALD ALLEN FLATE)...RONALD AL

GENERAL INFORMATION: This matter set for hearing on Petition for Order Directing Delivery of Funds to the Estate. Continued from September 10, 2004 and December 9, 2004, to be heard with another 850 Petition. Nothing new filed.

The parties stipulated to private mediation on December 9, 2004.

Petition #1 (Petitioner, Patricia Wallace):

This case is set for hearing on Petition for Order Directing Delivery of Funds to Estate filed by Patricia Wallace, the Respondent in Petition for Order Directing Delivery of Funds to Estate filed by Administrator, Linda Renfurm. The petition is asking Debra Golden to turn over funds from investment accounts to estate, for Renfurm. Roberson to turn over Life Insurance Policy. Court continued this matter from 9/10/04 to be heard with Petition #2.

Petition #2 (Petitioner, Linda Renfurm):

This case is set for Evidentiary Hearing on Petition for Order Directing Delivery of Funds to Estate filed by Linda Renfurm. The Renfurm Petition claims that the decedent died holding retirement account with T. Rowe Price through his employer. Patricia Wallace, the former spouse, allegedly received the funds. Estate claims that assets, based upon

dissolution agreement that each party keeps 100% of their own retirement. Decedent did not change the beneficiary designation, and so funds paid to the ex-wife. Court heard petition on 8-6-04 and set the matter for evidentiary hearing on 11-5-04.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need proof of personal service on all parties named in petition (**Petition 1 and 2**)
2. Need to file Ps & As to show why Wallace, not an heir, has standing to bring petition to require assets to be returned to estate. (**Petition 1**)
3. **Response & Objection filed by Deborah Golden on Petition for Order Directing Delivery of Personal Property. Response & Objection also filed by Linda Renfrum.**

RECOMMENDATION:

Determine status of mediation. Need to clear both notes before setting for contested hearing.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05453

CASE NAME: ESTATE OF GLENN JERMONE WALLACE

HEARING:

Petition for FOR ORDER DIRECITNG DILIVERY OF FUNDS TO ESTATE

COUNSEL:

LINDA WALLACE RENFURM	(PET)...	RONALD W ASK
GLENN JEROME WALLACE	(DEC)...	
DEBORAH GOLDEN	(TP)...	ROBERT A KRASNEY
PATRICIA WALLACE	(RONALD ALLEN FLATE)...RONALD AL

GENERAL INFORMATION: See notes directly above.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05461

CASE NAME: EST OF MORTON ARONOFF

HEARING:

Hearing Re: STATUS REPORT AND REQUEST TO ALLOW ADDITIONAL TIME.

COUNSEL:

BARRY ARONOFF	(PET)...PAUW & PAUW, INC
MORTON ARONOFF	(DEC)...

GENERAL INFORMATION: This matter set for hearing on Status Report. Receipts and final discharge hearing has been set for April 8, 2005.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner indicates that distribution of assets has been completed, attorney's and representative fees have been and the federal estate tax return has been filed. However, petitioner indicates that the estate is not yet in a position to close because it is possible the IRS may require taxes due or require an audit. Petitioner requests the estate remain open until January 2006.

RECOMMENDATION: The court may wish to continue the matter for 6 months and set the matter for final discharge hearing on July 22, 2005, with a further order that if petitioner receives the final closing letter from IRS, he file the final discharge order forthwith.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05468

CASE NAME: EST OF SUZANNE HORN

HEARING:

FIRST & FINAL Account and Report of TERI DOVE and Petition for allowance of fees filed.

COUNSEL:

TERI DOVE	(PET)...PRO/PER
SUZANNE HORN	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1st & Final Account

Continued from 7-2-04 to consult estate counsel for the distribution of property to the daughter.

Continued again from 8-6-04. nothing new filed to address notes

Continued again from 10-08-04. No appearance by Teri Dove, Executor

Continued again from December 17, 2004. Nothing new filed to address notes.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Petitioner has not requested statutory fees. Is she waiving it?
2. Petitioner seeking reimbursement of \$4626.73 for bills paid. Has given herself partial reimbursement without court order of \$1803, leaving claim for \$2823.73.
3. Several minors have been left \$1. Minors cannot receive property directly. Would need to appoint GAL or get guardians of estate. However, with small value of these bequests, alternatives would be to deposit the funds with the County Treasurer or for the executor to hold the funds until each minor turns 18 and then pay them the dollar plus the accrued interest. JTD
4. Jennifer has been given 25% share of the real property, the 1997 Saturn, and first choice of furnishings, and 1/3 share of residual personal property. File supplement indicating how much money will be given to Jennifer. The Will requests that the estate not be distributed to Jennifer until she is 25.

Jennifer is no longer a minor, but not yet 25. Petitioner needs to review law re: creation of testamentary trusts and whether one was created here. If not, then the request to distribute at age 25 could be seen as merely suggestive and distribution could be made. If there is a testamentary trust, then the property could be distributed to the testamentary trustee. Suggest that petitioner retain attorney.

RECOMMENDATION: Due to failure of petitioner to clear notes, court may wish to suspend powers and set the matter for OSC. Need to resolve issue relating to Jennifer before accounting and distribution plan may be approved. Once approved, set hearing for filing of receipts and final discharge for 7-8-05.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05645

CASE NAME: EST OF REBECCA A SANTANA (MASTER FILE)

HEARING:

Petition for TO DETERMINE TITLE AND TO REQUIRE TRANSFER OF
PROPERTY TO THE ESTATE

COUNSEL:

PABLO PEREZ SANTANA	(PET)...	RONALD W ASK
REBECCA A SANTANA	(DEC)...	
LAWRENCE A DEAN II	(SA)...	SHERRI L KASTILAHN
PABLO PEREZ SANTANA	(PET)...	RONALD W ASK
DELMAR J RAMIREZ	(OBJ)...	SKORETZ & CHURCH
VALERIE CARILLO	(SKORETZ & CHURCH)...SKORETZ &
MICHAEL TOWNSEND	(FULLERTON LEMANN SCHAEFER &	
DO)...	FULLERTON	
VALERIE CARRILLO	()...

GENERAL INFORMATION: This matter set for hearing on Petition to Determine Title and to Require Transfer of Property to the Estate. Decedent quitclaimed her residence to her four children, Delmar and Mark Ramirez, Valerie and Belinda Carrillo. Decedent's spouse had a community property interest in the property and was unaware of the transfer. On May 19, 2004, the parties reached a settlement and an order was entered by the court appointing Lawrence Dean successor administrator. The court furthered ordered that the subject property was to be returned to the estate, that foreclosure on the property was restrained. It was subsequently discovered that prior to May 19, 2004, the decedent's children had sold the property to Michael Townsend for a price below fair market value. (The property has been appraised at \$185,000.) In June 2004, Townsend filed a civil action to quiet title. The action remained was transferred to the probate court. Petitioner alleges that Townsend and his agent, and decedent's children knew at the time of the transaction that decedent's spouse had a ½ interest in the property and that title on the property was not clear and, therefore, Townsend is not a bona fide purchaser for value.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests an order dismissing the civil case with prejudice for lack of subject matter jurisdiction.
2. Petitioner seeks an order directing Michael Townsend to transfer the real property back to the estate of decedent.
3. Petitioner seeks an order requiring the funds paid by Townsend be charged against the distributive shares of the four children
4. Petitioner seeks an order directing petitioner to sell the property forthwith
5. Petitioner seeks a further order directing Townsend to clear title on the property forthwith.
6. This case is also set with a hearing to Set Aside Probate Homestead—the parties have agreed to a status conference. The subject of this note should be discussed as well.
7. No objections have been filed.

RECOMMENDATION: None.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05645

CASE NAME: EST OF REBECCA A SANTANA (MASTER FILE)

HEARING:

Petition for FOR ORDER SETTING APART PROBATE HOMESTEAD -

COUNSEL:

PABLO PEREZ SANTANA	(PET)...RONALD W ASK
REBECCA A SANTANA	(DEC)...
LAWRENCE A DEAN II	(SA)...SHERRI L KASTILAHN
PABLO PEREZ SANTANA	(PET)...RONALD W ASK
DELMAR J RAMIREZ	(OBJ)...SKORETZ & CHURCH
VALERIE CARILLO	(SKORETZ & CHURCH)...SKORETZ &
MICHAEL TOWNSEND	(FULLERTON LEMANN SCHAEFER &
DO)...FULLERTON	
VALERIE CARRILLO	()...

GENERAL INFORMATION:

This case is set for hearing on Setting Aside Probate Homestead (PC 6520)

Continued from 6-25-04 for filing of I & A.

Continued from 8/6/04 at request of Attorney Ask. .

Continued from 9-3-04. Attorney stated that PC 850 petition was going to be filed. **Filed and set for hearing on 2/25/05.**

Continued again from 10-1-04. Court advises that one of the beneficiaries has passed away and that it may be necessary to probate his estate. Court continued hearing for status report.

Continued from 12/3/04 to have Inventory & Appraisal filed. Filed

Continued from January 28, 2005, for status conference.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Court to find out status of deceased beneficiary (Mark Ramirez) and probating deceased beneficiaries share.

2. There is a petition to determine title (PC 850) on the subject property set for 2/25/05. **See note directly above.**

RECOMMENDATION:

Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05967

CASE NAME: MTR OF ROBYNN KAY WINKLER

HEARING:

FIRST AND FINAL Account and Report of GRADY F WINKLER JR and
Petition for allowance of fees filed.

COUNSEL:

GRADY F WINKLER JR (PET)...LAMB MORRIS & LOBELLO
ROBYNN KAY WINKLER (DEC)...

GENERAL INFORMATION: This matter set for hearing on First and Final Account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$7,700. Petitioner appears to be waiving fees.
2. Accounting appears procedurally complete.

RECOMMENDATION: Recommend for approval. Set matter for filing of receipts and final discharge for March 10, 2006.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS05975

CASE NAME: ESTATE OF JUANA V PORTILLO

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

HECTOR VELAZQUEZ (PET)...PRO/PER
JUANA V PORTILLO (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, with full authority
Continued from 8-6-04. Spanish Interpreter was present at last hearing.
Continued from 9/24/04 to comply with notes re: Will
Continued from 11/19/04. Petitioner located witness to Will.
Continued from 1/14/05 at request of petitioner. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Will is not self-proving, due to a defect in the witness signatures. Attorney who prepared Will filed a declaration on 10-22-04. The witnesses who signed the Will are no longer employees of the attorney and she does not know how to locate them. (No information given regarding any attempt to locate the witnesses; question as to the attorney responsibility to keep current information on employees she directs to sign Wills)
2. Attorney states that she was present when the witnesses signed the will and when the testator signed the will. This statement is insufficient to prove the Will under PC 6110, as the attorney is not presenting evidence as to whether the witnesses properly signed. Need to follow PC 8221 when the subscribing witnesses are unavailable.
3. PC 8221 provides that the witnesses must be unavailable per Evidence Code 240 (dead or ill per doctor; absent and the proponent has exercised reasonable diligence to procure attendance) There has been no evidence

presented to show that the witnesses are “unavailable”. Must file additional evidence.

4. Once the witnesses are proved unavailable, still must comply with balance of PC 8221.
5. Will waives bond.

RECOMMENDATION:

Must clear notes regarding proving Will per Probate Code Section 8221.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06003

CASE NAME: EST OF ELIZABETH DEANE PAUL

HEARING:

Petition for FOR FINAL DISTRIBUTION ON WAIVER OF ACCT AND FOR
APPROVAL OF STATUTORY COMMISSIONS AND ATTY FEE

COUNSEL:

CATHARINE P BISSELL (PET)...DALE K BETHEL
ELIZABETH DEANE PAUL (DEC)...

GENERAL INFORMATION: This matter set for hearing on Petition for Waiver of Account and Final Distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. I&A places value of estate at \$596,260.43 and the statutory fees are based on this amount. However, the petition indicates that the total property on hand is \$611,120.72. Did the estate receive receipts in the amount of \$14,860.29? If so, petitioner and counsel are entitled to fees based on \$611,120.72, which equals \$15,222.41. Please clarify.
2. Need waiver of account from Michael Spencer Paul.

RECOMMENDATION: Need additional waiver. If account approved, set hearing for filing of receipts and final discharge for March 10, 2006.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06018

CASE NAME: ESTATE OF FRANK TERLECKI

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

JASON HEAGSTEDT (PET)...RONALD G. SKIPPER
AUGUST HELENE TERLECKI (PET)...RONALD G. SKIPPER
FRANK TERLECKI (DEC)...

GENERAL INFORMATION: This matter set for hearing on Petition for Order Confirming
Sale of Real Property.

Address	1050 Ardmore Circle Redlands, Ca.
Appraised value	\$230,000
Sale price	\$250,000
First overbid	\$263,000
Deposit	\$1,000—This amount is insufficient. Must deposit 10%
Commission	The Petition is incomplete and does not address Commission. Did this sale take place without agents?
Additional bond	Current bond is \$50,000. Proceeds to be placed in blocked account.
Reason for sale	Best interests of estate.

Exposure to market

Posting signs, advertising and showing property
To potential buyers

Notice

Notice is not required because the will
Authorizes sale of the property. (P.r. C. § 10301.)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06020

CASE NAME: ESTATE OF ALEJANDRO MORKUNAS

HEARING:
Hearing Re: Status Conference.

COUNSEL:
ROSAMARIA C SOUSA (PET)...KATHLEEN B ALBREKTSON
ALEJANDRO MORKUNAS (DEC)...
SAMANTHA MORKUNAS (PET)...E. JOAN NELMS

GENERAL INFORMATION: This matter set for hearing on status conference regarding petition to administer the estate. The daughter and the wife of decedent have filed competing petitions. At last hearing on January 28, 2005, court was advised that the parties are trying to resolve the matter.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Determine status of competing petitions.

RECOMMENDATION: None.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06020

CASE NAME: ESTATE OF ALEJANDRO MORKUNAS

HEARING:

Petition for Letters of Admin. WWA W/ Limited Authority under
IAEA

COUNSEL:

ROSAMARIA C SOUSA	(PET)...	KATHLEEN B ALBREKTSON
ALEJANDRO MORKUNAS	(DEC)...	
SAMANTHA MORKUNAS	(PET)...	E. JOAN NELMS

GENERAL INFORMATION: This matter set for hearing on Petition for Letters of Administration with Will annexed with full authority under IAEA. Competing petitions have been filed by wife and daughter of decedent. Continued from August 27, October 8 and November 12, 2004, and January 28, 2005.

Petition for Letters by Daughter Samantha Morkunas

1. Requesting limited authority. No bondable asset since only asset is real property. Court may wish to impose minimum bond of \$10,000, especially since this may be a contested matter. Also, petitioner is not a resident of State of California.
2. Opposition filed by Rosamaria Sousa

Petition for Letters by Spouse Rosamaria C. Sousa

1. Petition for probate filed. Petitioner did not indicate a bond amount to be fixed. Court may wish to impose minimum bond of \$10,000 since only estate asset is real property.

RECOMMENDATION: Determine status of petitions. Have the parties resolved? If not, set matter for contested hearing on Petition for Probate.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06020

CASE NAME: ESTATE OF ALEJANDRO MORKUNAS

HEARING:
Spousal Property Petition hearing.

COUNSEL:
ROSAMARIA C SOUSA (PET)...KATHLEEN B ALBREKTSON
ALEJANDRO MORKUNAS (DEC)...
SAMANTHA MORKUNAS (PET)...E. JOAN NELMS

GENERAL INFORMATION: This matter set for hearing on Spousal Property Petition.
Continued from January 28, 2005.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Basis of claim that property is community is that they were married on 1-9-99 and that husband did not bring significant assets into the marriage. Appears husband had prior wife.
2. The first property (Mentone) was purchased in September 1999 in name of husband as his sole and separate property. Wife quitclaimed property in October 1999. Claims that this transaction was structured in this way to facilitate buying and selling. Claims money used for payment was joint. But were all funds spent on the property?
3. The second property (Yucaipa) was also purchased by husband in sole name. Lists information as to source of down payments.
4. Objection filed by Samantha Morkunas (child of decedent). Claims the properties are separate and not community.

RECOMMENDATION: Court may wish to set evidentiary hearing.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06028

CASE NAME: MTR OF CATERINA FRANCISCA

HEARING:

Petition for FOR FINAL DISTRIBUTION ON WAIVER OF ACCT AND FOR
STATUTORY ATTY'S FEES

COUNSEL:

TERESA V REZEK (PET)...WILLIAM J WARD
CATERINA FRANCISCA (DEC)...

GENERAL INFORMATION: This matter set for hearing on Waiver of Account and petition
for fees and final distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$5,500. Petitioner waives fees.
2. Petitioner is the sole heir.

RECOMMENDATION: Recommend for approval. Set hearing for receipts and final
discharge for March 10, 2006.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06175

CASE NAME: ESTATE OF MARK R RAMIREZ

HEARING:
Petition to determine succession to Real Property

COUNSEL:
VALERIE J CARRILLO (PET)...ROBBINS & HOLDAWAY
MARK R RAMIREZ (DEC)...

GENERAL INFORMATION: This matter is set for a hearing on Petition to Determine Succession to Real Property. Continued from December 17, 2004, for the filing of objections. Continued from January 21, 2005, at request of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died intestate with no issue or spouse. Surviving heirs are two sisters and a brother. Two of the heirs have filed disclaimers to their interest in the property. Petitioner seeks a 100% interest in the property.
2. No objections have been filed.

RECOMMENDATION: Recommend for approval.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06178

CASE NAME: ESTATE OF FRANCES R SAUCEDO

HEARING:
Spousal Property Petition hearing.

COUNSEL:
PAULINO SAUCEDO (PET)...AUTON-BECK & NASSAR
FRANCES R SAUCEDO (DEC)...

GENERAL INFORMATION: Husband, surviving spouse has filed a spousal property petition. He alleges that he and the decedent have been "unofficially" married since 1961. They were apparently legally married in 1994. There are two surviving issue of the union. This petition concerns the residence. Continued from December 17, 2004, to clear notes. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner contends the couple "jointly" bought the subject property in 1970, before they were married. Petitioner provides no evidence of how title to the property was taken, how the funds for the down payment were obtained, or who qualified for the loan. Petitioner further states that in 1984, he transferred his interest in the property to decedent in order to protect the residence from creditors and that title to the property has not been changed since. Thus, the property is in decedent's name only. Nonetheless, states petitioner, the house was always considered their community property. Provide evidence of allegations such as, original deed, loan documents, current deed and marriage certificate.
2. Petitioner also contends that the house was paid for and maintained with community funds. Provide evidence such as canceled mortgage checks, copies of loan statements, bills for maintenance etc.
3. Please provide verified supplement explaining why the house was not transferred back into petitioner's name, as joint tenant, after the 1984 transfer.

RECOMMENDATION: Without evidence, petition is insufficient. Continue to clear notes.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06180

CASE NAME: ESTATE OF LESTER MOTEN

HEARING:
Petition to determine succession to Real Property

COUNSEL:
LOUIS MOTEN (PET)...PRO/PER
JOYCE MARIE MACDANIELS (PET)...PRO/PER
LESTER MOTEN (DEC)...

GENERAL INFORMATION: This case is set for hearing on petition for succession to real property. Continued from December 17, 2004, to clear notes. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died in 1970 predeceasing his wife and seven children. The spouse has since deceased intestate. Petition is brought by only two of the seven surviving children, with each petitioner seeking a 50% interest in the property. A petition for succession to real property must be filed by all heirs. If all heirs do not join in the petition, the estate must be administered through probate. (Pr.C. § 13151 et seq.)

RECOMMENDATION: Based on above notes, cannot recommend for approval.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06181

CASE NAME: ESTATE OF BESSIE MOTEN

HEARING:
Petition to determine succession to Real Property

COUNSEL:
LOUIS MOTEN (PET)...PRO/PER
JOYCE MARIE MACDANIELS (PET)...PRO/PER
BESSIE MOTEN (DEC)...

GENERAL INFORMATION: This is a companion case to the preceding case--
SS06180.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died in 1990 leaving seven surviving children. (Her spouse predeceased intestate (see preceding note). Petition is brought by only two of the seven surviving children, with each petitioner seeking a 50% interest in the property. A petition for succession to real property must be filed by all heirs. If all heirs do not join in the petition, the estate must be administered through probate. (Pr.C. § 13151 et seq.)

RECOMMENDATION: Based on above notes, cannot recommend for approval.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06195

CASE NAME: MTR OF JOHN VINCENT WEINDLER

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
VIVIAN MARIE BRIDGEWATER (PET)...JAMES BANKS JR
JOHN VINCENT WEINDLER (DEC)...
MARY C WEINDLER (SA)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION: This case is set for hearing on Petition for Probate, Letters Testamentary w/Full Authority under IAEA is filed by Vivian Bridgewater (**Petition No. 1**)

A competing Petition for Probate of Will, Letters of Administration w/Will Annexed and Contest of Appointment of Personal Representative (Vivian Bridgewater) is filed by Mary Weindler. Contestant alleges she is the surviving spouse of decedent (**Petition No. 2**) **Continued from 12/30/04 by stipulation of counsel. Continued from January 28, 2005, for parties to attempt to resolve competing petitions.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

Petition No. 1:

1. Will waives bond.
2. Will does not reference the alleged surviving spouse, Mary Weindler. What is the date of the marriage? File verified supplement. **Conditional objections filed by Vivian Bridgewater alleging Mary Weindler may be a creditor of the estate and has a conflict of interest with respect to the occupation of the house and family protection rights.**

Petition No. 2:

1. Petitioner requests bond be fixed at \$104,000. Ok with limited authority only.

2. Will does not reference the alleged surviving spouse, Mary Weindler. What is the date of the marriage? File verified supplement. **Supp. :** Date of marriage is March 9, 2001.
3. **Response to conditional objections filed by Mary Weindler alleging objector has a right to remain in possession of the real and personal property of the decedent exempt from enforcement from a money judgment per PC 6150. Objector further alleges as the surviving spouse she has the right to request the court to set aside a probate homestead.**

RECOMMENDATION: Determine status. If not resolution, set for contested hearing.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06195

CASE NAME: MTR OF JOHN VINCENT WEINDLER

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

VIVIAN MARIE BRIDGEWATER (PET)...JAMES BANKS JR
JOHN VINCENT WEINDLER (DEC)...
MARY C WEINDLER (SA)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION: See notes directly above.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06216

CASE NAME: ESTATE OF ROBERT J MORRISON

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
PATRICIA A REBENDORF (PET)...WEISS & IWAKOSHI
ROBERT J MORRISON (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for letters of Administration with Will Annexed w/full authority under IAEA. Continued from January 14, 2005, for waiver of bond. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Special letters issued on 12/8/04
2. Petitioner proposes to place \$40,000 in blocked accounts. However, value of estate is estimated at \$300,000 and petitioner requests full authority under IAEA. Therefore, petitioner to post bond of \$260,000 (\$300,000 less \$40,000 to be placed in blocked account) unless beneficiaries waive bond.

RECOMMENDATION:

RFA subject to court's determination of bond. Once approved, set hearing on I & A for 8/12/05. Set hearing on Accounting/Status review for 3/31/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06222

CASE NAME: ESTATE OF RAYMOND C GRAEBER

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

MICKIE L MOREY (PET)...JOHN M RAGER
RAYMOND C GRAEBER (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate of Will, with full authority. Continued from January 21, 2005, due to non-appearance of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Will waives bond.

RECOMMENDATION:

Recommend for approval. Once approved, set hearing for filing of Inventory & Appraisal for 9-23-05. Set hearing for status report and/or accounting for 5-12-06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06266

CASE NAME: EST OF MARK R RAMIREZ

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

VALERIE J CARRILLO (PET)...ROBBINS & HOLDAWAY
MARK R RAMIREZ (DEC)...

GENERAL INFORMATION: This matter set for hearing on Petition for Letters of Administration with Full Authority under IAEA. Temporary letters issued January 20, 2005, for purpose of allowing administrator to sell decedent's home which was under construction at time of death.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. All heirs waive bond.

RECOMMENDATION: Recommend for approval subject to note 1. If petition granted, court will have to set future dates. Set hearing for the inventory and appraisal for September 23, 1005. Set hearing for the accounting for May 12, 2006. File documents 30 days prior to the hearing.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06267

CASE NAME: EST OF ALTA PATTON

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

LAWRENCE A DEAN II (PET)...KARIN HORSPOOL
ALTA PATTON (DEC)...
KATHRYN G MCFADGEN (TP)...JOHN W CRAWFORD
RONALD W ASK (PRO/PER)...PRO/PER

GENERAL INFORMATION: This matter set for hearing on Petition for Letters of Administration with full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be set at \$150,00. Amount appears insufficient at personal property and income from personal property is \$198,000. Set bond at \$200,000.
2. Petitioner does not appear to be a person entitled to letters and a nomination has not been provided. Please file supplemental.
3. File proof of publication.

RECOMMENDATION: Need to clear notes.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06268

CASE NAME: ESTATE OF GENEVIEVE L FAWLEY

HEARING:
Petition to determine succession to Real Property

COUNSEL:
DELBERT L FAWLEY (PET)...WEISS & IWAKOSHI
GENEVIEVE L FAWLEY (DEC)...

GENERAL INFORMATION: This matter set for hearing on Petition to Determine Succession to Real Property. Decedent died intestate with no spouse or issue. Petition is brought by her brother who already has a 50% interest in the subject property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent's 50% interest in property is appraised at \$71,000.
2. Decedent and petitioner bought property together in 1955, and took title as joint tenants. Petitioner quitclaimed his 50% interest to his trust in 1995, thereby terminating the joint tenancy. Decedent's siblings, excepting petitioner, as heirs of decedent's interest in the property have filed disclaimers.
3. No objections have been filed.

RECOMMENDATION: Recommend for approval.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06269

CASE NAME: IN RE CHRISTOPHER B HALL TRUST

HEARING:

Petition for FOR INSTRUCTION RE INTERPRETATION OF THE TRUST AND
APPROVING OR DIRECTING MODIFICATION OF THE TRU

COUNSEL:

DOYLE LA MOUNTAIN (PET)...PHUNPHILAS VIRAVAN

GENERAL INFORMATION: This matter set for hearing on Petition for Instructions.
Successor Trustee is seeking clarification of the Trust Instrument concerning apparently
conflicting provisions in the Trust regarding how Trust Property should be held.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. It appears that petitioner seeks instructions on how trust assets are to be held and accounted.
2. The decedent/settlor's two children are the beneficiaries of the Trust. Currently all assets are held in the "Children's Trust". (Article 3.) The Trust appears to be a single Trust with undivided assets. When the youngest minor turns 18, the instrument requires that each of the beneficiaries share be placed into two separate trusts called "Child's Trust." (Article 4.) However, the assets do not actually have to be physically divided, although separate accountings are required. (Article 8.)
3. Petitioner believes that until both beneficiaries reach 18, the Children's Trust should be maintained as a "Pot Trust", i.e., one trust for multiple beneficiaries, where assets are maintained and accounted for as a whole. However, petitioner asserts that Article, Subdivision 4 entitled "Guidelines—Other Sources and Sprinkling Discretion" which requires separate accounts for each child, is in conflict with, and defeats the purpose of, the pot trust. As such, petitioner not only requests clarification of the Trust instrument, but also requests that this provision be deleted.
4. The Children's Trust allows for distributions to the beneficiaries at the trustee's discretion. Indeed, the trustee has the discretion to pay more to one beneficiary than the other. Under petitioner's theory, does this mean that the receiving

beneficiary's share should not be charged for the distribution? In bringing this petition is petitioner seeking to avoid separate accounts during the duration of the Children's Trust?

5. Petitioner should provide points and authorities to support his position. Merely relying on the provisions of the Trust instrument is insufficient especially when there may be a conflict in the provisions. Please file supplemental.

RECOMMENDATION: Continue for petitioner to provide points and authorities.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06270

CASE NAME: ESTATE OF HAZEL N LEWIS

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

DEE ANNE ELLIOT	(PET)...PRO/PER
HAZEL N LEWIS	(DEC)...

GENERAL INFORMATION: This matter set for hearing on Petition for Probate, Letters Testamentary with Full Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Will waives bond.
3. Decedent disinherited one living son and her three grandchildren of a pre-deceased son. Petitioner has not given notice to the three grandchildren as their address is unknown. Must give notice or file due diligence declaration.

RECOMMENDATION: Recommend for approval subject to notes 1 & 3. If petition granted, court will have to set future dates. Set hearing for the inventory and appraisal for September 23, 2005. Set hearing for the accounting for May 12, 2006. File documents 30 days prior to the hearing.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06271

CASE NAME: MTR OF THERESA L CHARRON

HEARING:
Spousal Property Petition hearing.

COUNSEL:
MARTYN L CHARRON (PET)...PAUL A MARTIN
THERESA L CHARRON (DEC)...

GENERAL INFORMATION: This matter set for hearing on Spousal Property Petition. This matter concerns a single parcel of property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service on all persons listed in section 9 of petition.
2. Petitioner and decedent were married in 1997.
3. Prior to marriage, decedent bought a parcel of real property in 1995, as a single woman. In 2004, the decedent signed a deed converting title to the property to "Martyn L. Charron and Theresa L. Charron, husband and wife as Joint tenants."
4. Petitioner has filed a declaration indicating that the property was maintained and mortgage paid for with community funds.

RECOMMENDATION: Recommend for approval subject to note 1.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06272

CASE NAME: MTR OF LUCILLE Z LOPEZ

HEARING:
Spousal Property Petition hearing.

COUNSEL:
MODESTO G LOPEZ JR. (PET)...DONALD N FELD
LUCILLE Z LOPEZ (DEC)...

GENERAL INFORMATION: This matter set for hearing on Spousal Property Petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died intestate. She is survived by petitioner (husband) and 3 adult children.
2. The property at issue is the family residence. This property was decedent's separate property because she inherited it from her mother.
3. Each of decedent's 3 children has disclaimed their interest in the property and has assigned their interest to decedent's husband.
4. No objections have been filed.

RECOMMENDATION: Recommend for approval.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06274

CASE NAME: MTR OF ERIC KOOIMAN

HEARING:
Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:
AMANDA KOOIMAN (PET)...JAMES B CHURCH
ERIC KOOIMAN (DEC)...

GENERAL INFORMATION: This matter set for hearing on Petition for Letters of Administration with full Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Petitioner is the only heir and has waived bond.

RECOMMENDATION: Recommend for approval, subject to note 1. If petition granted, court will have to set future dates. Set hearing for the inventory and appraisal for September 23, 1005. Set hearing for the accounting for May 12, 2006. File documents 30 days prior to the hearing.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06275

CASE NAME: ESTATE OF JOYCE C BARRICK

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
JUSTIN L BARRICK (PET)...JOHN M RAGER
JOYCE C BARRICK (DEC)...

GENERAL INFORMATION: This matter set for hearing on Petition to Administer with Will
Annexed with Full Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Will waives bond to nominated executor, James L. Barrick. According to the petition, James Barrick is declining to act. Must file declination.
3. The will leaves the family residence to petitioner. This is the only asset being probated, and as sole heir of the property, petitioner waives bond. Judge to decide.

RECOMMENDATION: Recommend for approval subject to notes 1-2. If petition granted, court will have to set future dates. Set hearing for the inventory and appraisal for September 23, 2005. Set hearing for the accounting for May 12, 2006. File documents 30 days prior to the hearing.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS06276

CASE NAME: EST OF ARLEE MCKNIGHT

HEARING:

Petition for Letters of Admin. WWA W/ Limited Authority under
IAEA

COUNSEL:

RICKY MCKNIGHT	(PET)...	BEATRICE L LAWSON
ARLEE MCKNIGHT	(DEC)...	

GENERAL INFORMATION: This matter set for hearing on Petition for Administration with Will Annexed with Limited Authority under IAEA. Letters of Special Administration were granted January 31, 2005, however it does not appear that letters were actually issued. Bond was set at \$100,000. Proof of bond has not be filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Section 4f of petition is incomplete. Please file supplemental.
3. It appears that the executor appointed in the will is deceased. There are no contingency executors. Petitioner is decedent's son who was specifically disinherited in the will. Under Pr.C. § 8441, a person who takes under the will has priority to act as personal representative over a person who does not take. It does not appear that petitioner was nominated to act. Therefore, petitioner must obtain nominations from all persons who would take under the will before this petition can be considered.
4. Is petitioner bondable?

RECOMMENDATION: Determine status of bond and special letters. Clear notes.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 8:30 DEPT: S5

CASE #: SPRSS56694

CASE NAME: ESTATE OF MITCHELL LOEN MCDOWELL SR

HEARING:
Petition for FOR EXTRAORDINARY ADMINISTRATOR'S FEES

COUNSEL:

MITCHELL LEON MC DOWELL SR (DEC)...
MATTIE B EVANS (PET)...PRO/PER
WALTER MOORE (SA)...HARTNELL HORSPOOL & FOX
KATHLEEN BEEN (TP)...MERELE DAVID CHAPMAN
SPENCER DOUGLAS MANAGING GENERA(GREGORY S DAY
)...GREGORY S
WILLETТА D MCDOWELL (PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Petition for Extraordinary Successor Special Administrator's Fees by Walter Moore. Continued from January 14, 2005.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. The Order on Final Account was entered 12/3/04 where the Court ordered the estate administration brought to a close, following the Court Trial on 11/3/04 where all parties were present including Walter Moore. The Final Accounting and Report covered the issue of administrator fees.
2. Under PC 11605, "when a court order made under this chapter becomes final, the order binds and is conclusive as to the rights of all interested persons." William Hill Co. v. Lawler (1897) 116 Cal 359; Crew v. Pratt (1897) 119 Cal 139. If petitioner disagrees, petitioner to file Points & Authorities to support petition for extraordinary fees.

RECOMMENDATION: Deny petition as the Court lacks jurisdiction to hear the matter as the estate is closed for new matters.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **GUARDIANSHIP**

DATE: 02/25/05 TIME: 9:01 DEPT: S5

CASE #: SG SS01779

CASE NAME: IN THE MATTER OF KEYNA ELIZABETH DAY

HEARING:

THIRD Account and Report of GLINDA DAY and Petition for allowance of fees filed.

COUNSEL:

KEYNA ELIZABETH DAY (MIN)...LENITA A SKORETZ
LAWRENCE A DEAN II (SG)...SHERRI L KASTILAHN

GENERAL INFORMATION: This case is set for hearing on Third Account. Account covers period of March 9, 2001 through July 7, 2004. It appears that the minor and guardian have moved to Washington State. The issue of transfer of the guardianship needs to be addressed.

Continued from 1/3/05 at request of both counsel. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file Notice of Hearing and proof of service.
2. Petitioner indicates that the property on hand at the end of the last accounting period was off and should have been \$1,000 higher. Therefore, the balance at the beginning of this accounting period is \$1,000 higher, \$499,180.34.
3. Petitioner, the minor's mother, states she is unable to obtain employment outside of the home due to the need to care for the minor. She requests \$4,080 for 204 hours at the rate of \$20 per hour. Amount not itemized. Note that on December 6, 2004, the court granted mother's request for family allowance of \$2,000 per month.
4. Attorney requests fees in amount of \$3,750 for 15 hours at \$250 per hour. Amount not itemized.
5. Pursuant to Schedule B, miscellaneous expenditures totaled \$17,933.37. File itemization. \$2,400 was disbursed for an increase in rent at the rate of \$200 per month. Is this the full amount of the rent increase? If so, why is minor charged with the entire increase? The estate was charged with the purchase of a home entertainment center, electronic dartboard, Nintendo 64, color televisions and DVD players, bedroom set and bedding, window air conditioners, couch and loveseat,

barbeque, freezer, washer and dryer, special curling iron, computer games and accessories, airline tickets and tickets to Disney World. Please file verified supplement explaining the need for these expenditures and how they benefited the minor.

6. The estate was also charged \$5,000 for moving expenses to Washington. Does this amount cover expenses for the minor only or was she charged with all expenses related to the move? In addition to the \$5,000, disbursements were made to Budget Rent-a-Truck (\$501.38), Attic Mini Storage (\$192), U-Haul Rental (\$400.44). File verified supplement.
7. On December 6, 2004, the court granted petitioner's request to purchase a computer for \$600 and a bicycle for \$850 for the minor. According to the disbursements, a computer was purchased for \$800. A new wheelchair, walker, braces and trainer bike were purchased in the amount of \$5,500. Did petitioner have prior court approval for these expenditures? File supplement explaining these purchases.
8. Disbursements were made in the amount of \$463.82 for vehicle repairs. Which vehicles were worked on and are these vehicles part of the guardianship estate?

RECOMMENDATION: Continue to clear notes.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **CONSERVATORSHIPS**

DATE: 02/25/05 TIME: 10:00 DEPT: S5

CASE #: SC SS02729

CASE NAME: MTR OF GEORGE PENDERED

HEARING:

Petition for Appointment of Conservator

COUNSEL:

LAWRENCE A DEAN II (CEP)...SHERRI L KASTILAHN
GEORGE F PENDERED (CEP)...EDWARD B FISCHER

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person & estate, by professional

Continued from 10/22/04 at request of counsel to clear calendar notes.

Last continued from 1/14/05. Parties advised court that they will be submitting a Stipulation to terminate the conservatorship. Nothing new filed. Status?

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Temporary order issued on 9-20-04. However, the temporary conservator letters have not issued. **Bond in the amount of \$75,000 filed 10/4/04. However, bond should be in the amount of \$80,000.**
2. Medical declaration filed. Need to file original signature and not a copy. Also need to have the address and telephone number of the medical declarant. Question what it means where the medical declarant initialed on page 3 and then the initials are lined out. Does this mean the declarant changed his/her mind? Notes indicate that the confusion is intermittent and that decision making needs to be re-assessed intermittently. **On the whole, the declaration is currently legally insufficient to give the conservator the power to make medical decisions for the proposed conservatee.**
4. Need to file notice of hearing and proof of service.
5. Need to file Citation.
6. If petition granted, would need bond of \$80,000.

RECOMMENDATION:

None.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:00 DEPT: S5

CASE #: SC SS02752

CASE NAME: MTR OF MYRON E KNERR

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
TROY M KNERR	(CPE)...J. DAVID HORSPOOL
MYRON E KNERR	(CEP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person & estate, by son
Continued from 12/10/05. No appearance
See notes below (matter 40A)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:00 DEPT: S5

CASE #: SC SS02752

CASE NAME: MTR OF MYRON E KNERR

HEARING:

Petition for TO FIX RESIDENCE OUTSIDE THE STATE OF CALIFORNIA

COUNSEL:

TROY M KNERR	(CPE)...J. DAVID HORSPOOL
MYRON E KNERR	(CEP)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Fix Residence Outside of the State of California (Matter #1)

This matter is ALSO on calendar for Petition for Appointment of Conservator, person & estate, by son (Matter #2). Temporary letters issued 11/3/04.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

Matter #1

1. Petitioner alleges the conservatee is being evicted from the mobile home park where he lives. Petitioner further alleges there are no family in California. Son, petitioner, lives in Utah.
2. Petitioner alleges there is \$20,000 in equity in the mobile home and there are currently offers to purchase the mobile home for \$80,000. Petitioner does not request authority to sell the mobile home, however, if the conservatorship is granted, the conservatee cannot sell the residence without specific orders (PC 2540).
3. It appears from that the temporary conservator has already moved the proposed conservatee out of state which is a violation of law as no powers to fix the residence were obtained with the temporary letters. The removal of the proposed conservatee is a serious issue in this case as the Court

Investigator was unable to interview him as required under the law. The Court needs to either vacate the temporary letters and deny the current petition for conservatorship so that the appropriate proceedings can be filed in Utah or Mr. Knerr should be immediately returned to the State of California so that the Court Investigator may interview him.

Matter #2

1. No notes as to any deficiencies in the petition are being made due to the unauthorized removal of the proposed conservatee and the question whether the conservatorship proceedings need to be instituted in Utah (see note 3 above.)

RECOMMENDATION:

Return the proposed conservatee to California or Court should vacate the temporary letters so the matter can be filed in Utah.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:00 DEPT: S5

CASE #: SC SS02758

CASE NAME: MTR OF LLOYD V WITHNELL

HEARING:
Petition for Appointment of Conservator

COUNSEL:
JULIA A LARSON MSW (CPE)...BRIAN J MCGOLDRICK
LLOYD V WITHNELL (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person & estate, by non-relative

Continued from 11/10/04 & 12/17/04. No appearance

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file Citation
2. Petitioner alleges there are no relatives within the second degree requiring notice.
3. Medical powers requested (PC 2355). Medical Declaration filed supporting same.
4. Bond amount left blank (item 1[c][2]). Bond should be set at \$130,000.

RECOMMENDATION:

Need Citation. Once approved set review date for I & A for 9/23/05 and Accounting Review 5/12/06 Accountings to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:00 DEPT: S5

CASE #: SC SS02761

CASE NAME: MATTER OF OSA MAE KEPFORD

HEARING:
Petition for Appointment of Conservator

COUNSEL:
KEITH KEPFORD (CPE)...JACK C FRANCIS
OSA MAE KEPFORD (CEP)...LENITA A SKORETZ

GENERAL INFORMATION:

This case is set for hearing on Petition for Appointment of Conservator, person & estate, by son (Keith Kepford)

Objections filed to Petition for Appointment of Temporary and General Conservator filed by daughter (Janet McKeown) and granddaughter (Debbie Kepford)

At a hearing on 11/23/04 the Court is advised that the parties have reached a stipulation. The parties agree that Keith Kepford is withdrawing his Petition for Temporary Cosnervatorship, that Osa Kepford will remain at the home of her present caretaker, that Keith Kepford is to have reasonable visitation with his mother.

At hearing on 1/11/05 partied have reached a stipulation regarding specific visitation which the Court approves as follows: 1) the next six visits by Keith Kepford will be arranged by appointment with C.A.R.E. at a time convenient to all parties. Visits will be monitored by C.A.R.E. 2) There will be 2-3 visits per week; 3) C.A.R.E.'s services will be paid by Keith Kepford; 4) Further visits will be arranged on a fixed schedule with a proposed schedule to be submitted within 14 days to C.A.R.E. for discussion/approval by all parties.

Is the Petition for Appointment for General Conservator being also withdrawn? Is there still a need for the conservatorship as Janet McKeown and Debbie Kepford are acting as co-trustees of The Osa L. Kepford Trust established 1/13/2000?

Continued from 12/17/04 at request and agreement of counsel.

If Petition for Appointment for General Conservatorship is proceeding, the following issues and/or deficiencies in the paperwork are noted:

1. Need to file Notice of Hearing and proof of service
2. Bond of \$5,000 is requested. However, bond should be set at \$255,000.
3. Petitioner alleges proposed conservatee lacks capacity to give informed consent to medical treatment. Need to file Capacity Declaration.
4. CI report filed. No adverse findings.
5. 1st Appearance fee by Debbie Kepford is due in the amount of \$278.20

RECOMMENDATION:

Need to clear notes.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:00 DEPT: S5

CASE #: SC SS02795

CASE NAME: MTR RE CLARENCE JACKSON

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MARILYN PLUNKETT QUAIL (CPE)...BETTYE BARNARD
CLARENCE JACKSON (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person & estate, by non-relative (long-term friend of proposed conservatee)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Temporary letters issued 1/11/05.
2. Petitioner seeks medical powers. Need medical declaration.
3. Petitioner requests bond of \$150,000. Ok.
4. Need to file return of Citation
5. Need Notice of Hearing and proof of service.
6. Notice has been dispensed with to proposed conservatee's son, Marcus Todd. However, Court may wish to require due diligence declaration.
7. CI report filed. No adverse findings.
8. Court may wish to review screening form re: financial history

RECOMMENDATION:

Need to clear notes.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:00 DEPT: S5

CASE #: SC SS02802

CASE NAME: MTR RE ERNEST MICHAEL NICHOLAS

HEARING:

Petition for Appointment of Conservator

COUNSEL:

CAROL DE SEPIO (CPE)...STEVEN G GROSSMANN
ERNEST MICHAEL NICHOLAS (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person & estate, by professional

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner seeks medical powers. Medical declaration filed and supports request.
2. Petitioner requests "other powers be granted" as specified in Attachment 11. There is no Attachment 11. File verified supplement with other powers being requested.
3. Petitioner requests bond be fixed at \$80,000. Ok.
4. Petitioner has been nominated by proposed conservatee.
5. Petitioner alleges she is a professional conservator and is registered with the Statewide Registry. Petitioner further alleges she is in the process of registering with this Court.
6. Need return of Citation
7. Need Notice of Hearing and proof of service.
8. CI report filed. No adverse findings.
9. Proposed conservatee is confined to Patton State Hospital per Penal Code Section 1026.

RECOMMENDATION:

Need to clear notes. Once approved, set hearing on filing Inventory & Appraisal for 3/10/06. Set Accounting Review for 5/12/06. Accounting to be filed 30 days in advance.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

ACCOUNTINGS

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS00533

CASE NAME: SARAH CRITZER ET AL

HEARING:

Hearing Re: STATUS ON VISITATION.

COUNSEL:

SARAH CRITZER	(CTP)...	C.L. FARRELL
INLAND REGIONAL CENTER	(CP)...	J.S. HERMANSON
SAMANTHA CRITZER	(CTP)...	C.L. FARRELL
GEORGE CRITZER	(FAT)...	EDWARD B FISCHER
PAULA CRITZER	(EDWARD B FISCHER)...EDWARD B

GENERAL INFORMATION:

This case is set for hearing on Status of Visitation

Continued from 5-7-04 per the agreement of the parties. (Agreed visitation had not commenced until April 18, 2004, due to the need to hire two staff to implement the visits.)

Continued from 9/17/04 Regional Center was going to arrange visitations.

Status Report filed by IRC and oral report given by Attorney Farrell (IRC report in file indicating visitations are going well.)

Last continued from 1/14/05 regarding transportation arrangements for visitation by parents.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Agreement reached re: visitation. Two conservatees – Sarah and Samantha. Suffers from epileptic seizure disorder and moderate development disability. Parents (George and Paula Critzer) were the original limited conservators, and then suspended for allegations of abuse. More allegations surfaced, and IRC named as successor conservators. Attempting to reunify with their daughter, visitation agreement reached.
2. Attorney Farrell represents both conservatees.

RECOMMENDATION:

None.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS00690

CASE NAME: IN THE MATTER OF INEZ O ALNER

HEARING:

FOURTH REPORT WITH WAIVER OF Account and Report of JUNE
SCHAFFRAN and Petition for allowance of fees filed.

COUNSEL:

INEZ O ALNER	(CEP)...DUANE P BOOTH
DIANA MILLER	(CPE)...HARTNELL HORSPOOL & FOX
JUNE SCHAFFRAN	(CPE)...J. DAVID HORSPOOL

GENERAL INFORMATION:

This case is set for hearing on 4th Report and Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner files her waiver of account per PC 2628
2. Petitioner requests compensation of \$1,000.00 (equal to \$500/year).
Compensation request is not itemized per local rule 1406.
3. Attorneys request fees of \$1720.00. Billed at \$250/hour for attorney time (5.5 hours), \$100/hour for paralegal time (2.10 hours) and \$50/hour for bookkeeper time (2.70) hours. It is unclear from the itemization of fees, what services the bookkeeper provided on 3/14/03 which are reflected as "Legal Assist./Accounting" as there was no accounting submitted during this accounting period. Question whether fee request should be reduced by \$135.00. File verified supplement.
4. The assets remaining on hand are funds held in attorney-client trust account of \$2455.77 and bank account of \$1941.88, for a total of \$4397.65. The fee request (above) is equal to more than 60% of the assets remaining.
Question whether petitioner and counsel are willing to reduce fee requests.

RECOMMENDATION:

Need verified supplement re note 3 and Court's discretion on fee request. Once approved, set next accounting review for 5/12/06.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS00864

CASE NAME: IN THE MATTER OF ISABEL HARNED AKA DOLLY HARNED

HEARING:

4TH CURRENT Account and Report of SHERRIE A. COX and Petition
for allowance of fees filed.

COUNSEL:

ISABEL HARNED	(CEP)...
SHERRIE A. COX	(CPE)...STEPHEN H TYLER

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Accounting period: 7/1/02 – 6/30/04 (24 months)

Assets on hand: \$32,285.22 (all cash)

Income sources: Social Security and interest income/dividends

Monthly disbursements: 3 per quarter (average)

Location of conservatee: board & care

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Proof of mailed service shows Notice of Hearing being mailed to conservatee in care of conservatee's address. However, conservatee resides at Next Guest Home in Redlands. Need proof of mailed service to conservatee's current address.
2. Petitioner requests fees of \$400.00. Billed at \$10/hour for 40 hours. Petitioner has generalized her services as "maintaining property prior to its sale, purchase of necessities, cooking, hygiene and physical care prior to her [conservatee] taking residency at Next Guest Home". JTD
3. Attorney requests fees of \$1,828.00. Billed at \$200/hour for attorney time and it appears that other time is billed at \$95/hour for "LQ". Is LQ a paralegal for counsel? File verified supplement.
4. Petitioner alleges bond is currently set for \$32,000 and is sufficient. However, with assets on hand and the approximate annual income of \$5,000, it would appear that bond should be increased to \$40,000.

RECOMMENDATION:

Need notice to conservatee and verified supplement re attorney's fees. Then, court's discretion re bond and fee requests. Once approved, set next accounting review for 3/2/07

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS01298

CASE NAME: IN THE MATTER OF IRENE M BOLIN

HEARING:
Petition for FEES OF COURT APPOINTED ATTORNEY

	COUNSEL:
IRENE M BOLIN	(CTP)...DONNA STURGILL DIAZ
VIRGINIA HAYNES	(CP)...MITCHELL A KARASOV
CHARLES W SMITH	(CE)...PRO/PER
SHIRLEY TRISSLER	(CE)...MITCHELL A KARASOV

GENERAL INFORMATION:

This case is set for hearing on Petition for Attorney's fees of Court appointed attorney (Donna Lee Sturgill Diaz)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Attorney requests fees of \$3,360.00. Billed at \$200/hour for 16.8 hours. Appears itemized. Attorney also alleges that a separate request for fees will be made by supplement for the time expended between the time of the filing of the petition (2/1/05) and the time of this hearing. It is not clear what additional services would be incurred as the conservatee died 5/27/04. JTD
2. Related matter below (matter 48A)

RECOMMENDATION:

RFA subject to court's determination of fees.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS01298

CASE NAME: IN THE MATTER OF IRENE M BOLIN

HEARING:

SECOND AND FINAL Account and Report of VIRGINIA HAYNES, SHIRLEY
TRISSLER and Petition for allowance of fees filed.

COUNSEL:

IRENE M BOLIN	(CTP)...DONNA STURGILL DIAZ
VIRGINIA HAYNES	(CP)...MITCHELL A KARASOV
CHARLES W SMITH	(CE)...PRO/PER
SHIRLEY TRISSLER	(CE)...MITCHELL A KARASOV

GENERAL INFORMATION:

This case is set for hearing on 2nd & Final Account

Conservatee died on 5/27/04

Accounting period: 4/1/03 – 5/27/04

Assets on Hand: \$2,493,802.64 consisting of cash [\$99,234.89], stocks, bonds,
promissory note, jewelry & household furniture & furnishings

Monthly disbursements: 7 per month (average)

Location of conservatee: n/a deceased (formerly in board & care)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner alleges that a request for compensation will be filed through a supplement prior to the hearing on this 2nd & Final account
2. Attorney alleges that a request for fees will be filed through a supplement prior to the hearing on this 2nd & Final account
3. On the Disbursements, Schedule 5, of the accounting, there lists a monthly reimbursement of costs advanced by counsel (from 4/14/03 – 5/21/04)
However, the costs advanced are not itemized. File verified supplement.

4. Petitioner seeks instructions from the court on a promissory note dated 2/26/97 executed by Cheryl A. Hines and Lana A. Seefeldt in the original sum of \$67,000. The note was secured by deed of trust. Petitioner alleges that in a Codicil to the William Bolin's Will (conservatee's predeceased husband), it stated that the loan to Cheryl A. Hines and Lana Seefeldt was to be forgiven upon his death which was 12/26/97. Petitioners believe that this loan was made from community funds that William Bolin had held with conservatee and therefore, only ½ of the loan could be forgiven. Petitioners further alleges there is no Codicil in Conservatee's Will forgiving any such loan. Petitioners seek instruction from the court in light of conservatee's death whether the loan of \$67,000 is payable in full to the estate of conservatee, or whether ½ of the loan is forgiven and the other half of the loan in the amount of \$33,500 is due and payable to the estate of conservatee. The Will and Codicil of William Bolin is not attached as reference. File verified supplement with those documents, as well as a copy of the note secured by deed of trust.
5. Petitioner requests authority to release the blocked account and deliver same to the court appointed personal representative of the Estate of Irene Bolin.

RECOMMENDATION:

Need verified supplement re note 3 & 4. Need supplement regarding fee request by petitioner and counsel. Once approved, set hearing for filing of receipts and final discharge for 3/10/06

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS02006
CASE NAME: MTR OF REBECCA ELIZABETH FISHER

HEARING:
SECOND CURRENT Account and Report of DIANE D. HARKISON and
Petition for allowance of fees filed.

COUNSEL:
DIANE D. HARKISON (CPE)...M DANIEL SAYLOR
REBECCA ELIZABETH FISHER (CEP)...LENITA A SKORETZ
RICHARD FUENTES (OBJ)...MICHAEL S. ARNOLD

GENERAL INFORMATION:
This case is set for hearing on 2nd Account
Accounting period: 1/15/03 – 10/8/04 (21 months)
Assets on Hand: \$28,108.71 (all cash)
Income sources: Social security and interest income
Monthly disbursements: 7 per month (average)
Location of conservatee: board & care

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need original bank statements to verify balances on hand as of 10/8/04 per PC 2820(c).
2. Petitioner requests compensation of \$10,508.20, of which \$4750.00 has been paid by court-ordered periodic payments, leaving a balance due of \$5,728.20. Billed at various rates for various services not exceeding \$75/hour (billed at an average of \$64.66/hour). Appears itemized. JTD
3. Petitioner requests authority to continue the monthly periodic payments of \$250.00 per month for future services. JTD
4. Attorney requests fees of \$3,647.50. Billed at \$250/hour for attorney time (11.45 hours), \$75/hour for legal assistant time (5.8 hours) and \$50/hour for legal assistant time (7.0 hours). Appears itemized. JTD
5. Petitioner requests reduction of bond to \$50,000. Ok.

RECOMMENDATION:
Need to clear note 1 and court's determination of fees. Once approved, set next accounting review for 3/2/07.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS02227

CASE NAME: MTR OF MAXINE E. BERNARDING

HEARING:

SECOND CURRENT Account and Report of WINNIFRED J. MC COY and
Petition for allowance of fees filed.

COUNSEL:

WINNIFRED J. MC COY (CPE)...HARTNELL HORSPOOL & FOX
MAXINE E. BERNARDING (CEP)...EDWARD B FISCHER

GENERAL INFORMATION:

This case is set for hearing on 2nd Account

Accounting period: 9/20/04 – 9/19/04 (12 months)

Assets on hand: \$28,192.16 (cash of \$26,991.16 and life insurance policies)

Income sources: Social Security, Civil Service & Interest income

Monthly Disbursements: 3 per month (average)

Location of conservatee: board & care

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner waives compensation for this accounting period.
2. Attorneys request fees of \$3,663.00. Billed at \$210/hour for attorney time (17.3 hours) and \$100/hour for paralegal time (.3 hour). Appears itemized.
JTD
3. Petitioner requests reduction of bond to \$35,000. Ok

RECOMMENDATION:

RFA subject to court's determination of fees and bond reduction. Once approved, set next accounting review for 5/12/06.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS02387

CASE NAME: MTR OF JAQUELINE E. THOMAS

HEARING:

1ST CURRENT Account and Report of GARY N. COTE and Petition for allowance of fees filed.

COUNSEL:

GARY N. COTE (CPE)...J.L.WELCH & ASSOCIATES
JAQUELINE E. THOMAS (CEP)...ROGER E WALKER

GENERAL INFORMATION:

This case is set for hearing on 1st Account

Accounting period: 4/15/03 – 7/30/04

Continued twice from 10/22/04 & 1/14/05 at request of counsel to clear calendar notes. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file notice of hearing and proof of service.
2. Need to confirm that the "Partial" I & A covers all assets. According to the Petition, there is a residence as well. According to the CI report, there are several other assets. File verified supplement.
3. Conservator waiving fees.
4. Attorney requesting fees of \$3285.60. Attorney charging \$275 per hour for court appearances, without explanation as to why such a high rate is required for this case. Who is billing \$138 per hour? Paralegal? File supplement.
5. Must file ORIGINAL bank statements. Copies are not acceptable under PC 2620.
6. What is balance of credit card debt? When was the last time that the cards were used? File copy of most recent statements.

RECOMMENDATION:

Cannot approve without notes being cleared.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS02511

CASE NAME: MTR OF CHERYL CLAYTON

HEARING:

FIRST Account and Report of INLAND COUNTIES REGIONAL CNTR INC
and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CNTR (CE)...BRUNICK BATTERSBY MCELHANEY
CHERYL CLAYTON (CTE)...

GENERAL INFORMATION:

This case is set for hearing on 1st Account
Accounting period: 10/27/03 – 11/30/04 (23 months)
Assets on hand: \$12,475.29 (all cash)
Income sources: Social Security and interest income
Monthly Disbursements: 3 per month (average)
Location of conservatee: board & care

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner waives compensation for this accounting period. However, Inland Counties Master Trust charges an annual fee of \$375 for funds held in the Master Trust (or \$93.75 per quarter). Petitioner has spent an average of 2 hours per month for a total of 46 hours during this accounting period in addition to a one-time set up fee of \$150 which was charged on 2/10/04. Petitioner requests payment of \$281.25 as trustee fees and \$150 for the one-time fee totaling \$431.25. In addition, Petitioner requests authority to continue taking quarterly trustee fees of \$93.75. JTD
2. Attorney requests fees of \$500.00, reduced from the actual billing of \$935.00. Billed at a reduced rate of \$110/hour for attorney time (3.25 hours) and \$105/hour for paralegal time (5.5 hours). Appears itemized. JTD

RECOMMENDATION:

RFA subject to court's determination of fees and continuance of petitioner's quarterly trustee fees. Once approved, set next accounting review for 3/2/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS02588

CASE NAME: MTR OF NELDA DANISHEK

HEARING:

Petition for FOR ORDER THAT ESTATE PAY THE FEES OF COURT
APPOINTED ATTORNEY

COUNSEL:

BETTY ANDERSON	(CPE)...	KENNETH R HOWE
NELDA DANISHEK	(CEP)...	

GENERAL INFORMATION:

This case is set for hearing on Petition for Order that Estate Pay the Fees of the Court
Appointed Attorney (filed by Attorney Donna Lee Sturgill Diaz)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need to file Notice of Hearing and proof of service
2. Attorney requests fees of \$2900.00. Billed at \$200/hour for 14.5 hours. Attorney charges 1.2 hour on 1/7/05 for court appearance. However, the Minute Order reflects no appearances were made. Likewise, on 10/8/04, attorney charges 1.0 for court appearance. However, the Minute Order reflects only a special appearance on behalf of Attorney Howe was made. Question whether fee request should be reduced by \$680 for a total fee of \$2,220 (3.2 hours x \$200/hour = \$680). File verified supplement.
3. Conservatee died on 5/6/04. A probate proceedings is pending in this court under case #SPRSS06053. Letters Testamentary were issued on 9/17/04. Attorney did not submit her request for fees in conservatorship estate (conservatorship estate closed 1/7/05) and under PC 9100, it appears that the time for filing a creditor's claim against the probate estate may have expired. File Points & Authorities in support of claim and its late filing.

RECOMMENDATION:

Need notice and points & authorities re note 3.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS02618

CASE NAME: MTR OF RAYMOND WILLIAMS

HEARING:
FIRST AND FINAL Account and Report of LAWRENCE DEAN and Petition
for allowance of fees filed.

COUNSEL:
LAWRENCE DEAN (CPE)...KARIN HORSPOOL
RAYMOND WILLIAMS (CEP)...JUDITH RUNYON

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS02798

CASE NAME: MTR OF HOPE N COOK

HEARING:
Petition for TO DETERMINE TITLE AND TO REQUIRE TRANSFER OF REAL
AND PERSONAL PROPERTY AND FOR DAMAGES

	COUNSEL:
MELODIE Z SCOTT	(CPE)...HARTNELL HORSPOOL & FOX
HOPE N COOK	(CEP)...

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 10:01 DEPT: S5

CASE #: SC SS9016

CASE NAME: IN THE MTTR OF RONALD NORTH

HEARING:

FOURTEENTH CURRENT Account and Report of MELODIE Z SCOTT and
Petition for allowance of fees filed.

COUNSEL:

RONALD NORTH	(CEP)...JUDITH LYNN PILSON
MELODIE Z SCOTT	(CPE)...J. DAVID HORSPOOL

GENERAL INFORMATION:

This case is set for hearing on 14th Account
Accounting period: 10/1/03 – 9/30/04 (12 months)
Assets on Hand: \$97,590.58 (cash of \$96,094.58 and burial preneed)
Income sources: Social Security, VA and interest income
Monthly Disbursements: 6 per month (average)
Location of conservatee: board & care

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Petitioner requests fees of \$10,760.59, less the court-ordered periodic payments received of \$5,300.00, leaving a balance of \$5,460.59. Billed at various rates for various services. The following are billing concerns:
 - (a) It appears that "Benefit Services" billed at .3 with no further action should be reduced to .1 as follows: 11/4/03, 12/1/03, 12/10/03, 12/22/03, 1/2/04, 1/8/04, 1/27/04, 2/3/04, 2/24/04, 3/8/04, 3/22/04, 4/22/04, 6/11/04 (13 entries billed @ \$45/hour. Thus, a reduction of \$9 per entry at 13 entries is equal to \$117.00). Court may wish to reduce fee request by \$117.00. JTD
 - (b) "Financial Services" are billed at 6.75 in 10/03, 4.3 hours per month in 11/03-4/04, 4.6 hours in 5/04, 5.75 hours per month in 6/04-8/04 and 4.75 in 9/04. During this accounting period there appears to be two accounts (one checking and one money market account at

Community Bank). The charged amounts seem excessive due to the size and nature of the conservatorship estate. Perhaps 2.5-3.0 hours per month would be more realistic. Thus, if credit were given for 3.0 hours per month at \$45/hour for the financial services, then a fee reduction would total \$906.75 (Total hours billed for accounting period is 59.15 at \$45/hour = \$2661.75 and 3 hours per month for 12 months is equal to 39 hours for accounting period at \$45/hour = \$1755; \$2661.75-\$1755.00 = \$906.75) JTD

- (c) Suggest total fee reduction of \$1,023.75 (from [a] and [b] above)
- 2. Attorney requests fees of \$3,365.00. Billed at \$250/hour for attorney time (11 hours) and \$50/hour for bookkeeper time (3.8 hours). Appears itemized. JTD
- 3. Petitioner requests bond be increased to \$140,000 from \$110,000. Ok.

RECOMMENDATION:

Court's discretion on fees and increase bond by \$30,000 (to \$140,000). Once approved, set next accounting review for 3/2/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

MISC.11:00

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SC SS01847

CASE NAME: MTR RE LOUISE OLAGUE

HEARING:

Hearing re: FILING OF INVENTORY & APPRAISAL OF TRUST

COUNSEL:

ELIZABETH ACKLEY	(CPE)...	HERB CHAVERS
LOUISE OLAGUE	(CEP)...	JUDITH LYNN PILSON
EMANUEL OLAGUE	(OBJ)...	PRO/PER
TIMOTHY OLAGUE	(PRO/PER)...PRO/PER
JOE OLAGUE	(GILBERT M GUTIERREZ)...GILBERT M
LYDIA ANN DASHKOVITZ	(GILBERT M GUTIERREZ)...GILBERT M

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SC SS02116

CASE NAME: MTR OF MARY VIRGINIA SALAZAR

HEARING:
Accounting Review

COUNSEL:
RUBEN J. JUAREZ (CPE)...PRO/PER
MARY VIRGINIA SALAZAR (CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

**Continued twice from 11/5/04 & 1/21/05 at request of counsel to file waiver
accounting based on small estate**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Waiver of accounting filed per PC 2628
2. Need to file Notice of Hearing and proof of service.
3. No proposed order submitted.

RECOMMENDATION:

RFA subject to 2. Once approved, set next accounting review for 5/12/06

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SC SS02269

CASE NAME: MATTER OF ALICE V GIESECKE

HEARING:
Accounting Review

COUNSEL:

DIANE D HARKISON (CPE)...M DANIEL SAYLOR
ALICE V GIESECKE (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Second account due for period 9/26/03 – 9/25/04

Continued once from 12/3/04. Attorney Saylor advises court that accounting is not yet due. However, the Court orders that an accounting be filed. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file accounting

RECOMMENDATION:

Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure (PC 2620.2(b)).

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SC SS02406

CASE NAME: MTR OF MARTIN BUNNING

HEARING:
Hearing re Final Discharge

	COUNSEL:
MRYTLE BABBITT	(CPE)...JUDITH LYNN PILSON
MARTIN BUNNING	(CEP)...

GENERAL INFORMATION:

This case is set for hearing on Final Discharge.

Per Judgment Setting First and Final Account filed 9/26/03, after payment of attorney's fees and reimbursement of costs, the conservatorship estate funds were depleted.

Continued once from 12/3/04. No appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file Final Discharge

RECOMMENDATION:

Set OSC re failure to file documents. Court may wish to send notice to counsel at counsel's new mailing address as follows: P. O. Box 371, Raymond, CA 93653.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SC SS02641

CASE NAME: MTR OF MOLLY N PALACIOS

HEARING:

Hearing re: NTC OF MT & MOT FOR TURNOVER ORDER

COUNSEL:

ROSALIA NAVARRO	(CPE)...LAW OFFICES OF DAYN A. HOLSTON
MOLLY N PALACIOS	(CEP)...ROGER E WALKER

No file to review.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SC SS02665

VACATE – FINAL INVENTORY FILED 1/3/05

CASE NAME: MTR RE ROGELIO G QUIROGA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

LYDIA QUIROGA (CPE)...CRAIG M PARKER
ROGELIO G QUIROGA (CEP)...

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS00999

CASE NAME: IN THE ESTATE OF EDDIE BENSON

HEARING:
Accounting Review

	COUNSEL:
EDDIE BENSON	(DEC)...
MELLONEE COX	(PET)...RALPH K HEKM AN

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Per counsel's Status Report granted on 7/18/03, counsel advises court that the executor died on 7/3/02 and a successor personal representative is required in this estate to complete the administration of this estate. A petition for a successor has not been filed

Three continuances from 7/16/04, 10/29/04 & 12/17/04. At hearing on 10/29/04, counsel requests additional time to file an unverified report. Nothing filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Nothing filed.

RECOMMENDATION:

Set OSC re failure to file documents/sanctions. Court may wish to send notice to alternate named executor of decedent's Will, Lorna Jenkins (address tabbed in file).

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS03663

CASE NAME: EST OF RUSSELL ELMER CHRISTIANSON

HEARING:
Accounting Review

COUNSEL:
RICHARD R CHRISTIANSON (PET)...J JOHNSON
RUSSELL ELMER CHRISTIANSON (DEC)...
ST OF CAL FRANCHISE TAX BOARD (TP)...PRO/PER

GENERAL INFORMATION:
This case is set for hearing on Accounting Review
Letters Testamentary issued 4/10/00

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Status report has been filed. Estate is not in a position to close because the only asset of the estate is real property and it is in the process of being sold. Petitioner anticipates that the estate will be able to close in six months.
2. Need to file Notice of Hearing and proof of service per PC 12201\\.

RECOMMENDATION:
Need notice and then Court's discretion

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS04284

CASE NAME: ESTATE OF JAMES L. COX JR.

HEARING:

Hearing Re: STATUS RE: MONEY FROM SALES OF PROPERTY.

COUNSEL:

RITA M. COX	(PET)...BERNHARD A AAEN
JAMES L. COX JR	(DEC)...
JOSEPH KELLY COX	(OBJ)...STREAM & WERNER, P.C.
MARY A COX	(STREAM & STREAM)...STREAM &
DANIEL E COX	(LAW OFFICES OF CHRISTOPHER P W)...LAW OFFIC
RITA COX.	(ELLEN WEINFURTNER)...ELLEN WEI
MELODIE SCOTT	(CRAIG M PARKER)...CRAIG M P
RONALD MUGAR	(PRO/PER)...PRO/PER
JACK R. HASKINS	(PRO/PER)...PRO/PER
MECIDIS HASKINS	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing re: Status re: Money from Sales of Property

Continued from 6/25/04 & 11/5/04. This hearing was originally set on 9/26/03 to find out the status of the money from sales of property. Counsel (Atty Strong) advised Court that no payments have been made. On 11/5/04, Atty Parker requests more time to file interim accounting. Nothing new filed.

On 12/20/02, the Court confirmed sales of various parcels of real property for the sum of \$5,500 by Melodie Scott as special administrator. The proceeds from said sale were to be placed in California Federal Bank and/or Inland Community Bank. No receipt for said blocked account has been filed.

Pursuant to the Court's Minute Order of 3/23/03, the administrator was to file a Declaration re: No Monies/Tax Sale (on the Hemet property lost to tax sale.)

On 4/17/03, the buyer of the properties (Ronald Mugar) filed a Petition a Motion to Determine Liability of the Personal Representative, Relief from Damages and to Require Transfer of Title on Real Property alleging escrow was delayed causing certain parcels to incur property tax liens.

On 7/18/03, a Stipulation was entered into by Ronald Muger and Melodie Scott whereby Melodie Scott was to cancel the escrow of the subject sale and return the sum of \$1,015.24 to Ronald Mugar as a return of his deposit. Ronald Mugar was to pay to the estate the sum of \$100.00 and purchase the property (sold under the 12/20/02 order) subject to all tax liens.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need Declaration re: No Monies/Tax Sale on Hemet Property
2. General Letters of Administration issued 3/24/03. Bond filed in the amount of \$50,000.
3. No I & A filed after general appointment of administrator.
4. No Accounting/Status Report filed. Court may wish to order a first account/status report to be filed by the administrator to keep beneficiaries informed of progress of estate proceedings.

RECOMMENDATION:

Need Declaration referred to in 1. Order that I & A be filed within 30 days. Set OSC re: Failure to file documents. Set hearing for filing of Accounting and/or Status Report for 1/13/06 Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS04955

CASE NAME: EST OF LARRY MICHAEL QUINN

HEARING:
OSC re: SANCTIONS

COUNSEL:
ROBERT PATRICK QUINN (PET)...DAVID M SLOAN
LARRY MICHAEL QUINN (DEC)...

GENERAL INFORMATION:

This case is set for hearing on OSC re Sanctions

This matter was originally set for failure to file receipts and final discharge. The Judgment for Final Distribution was filed on 8/8/03 and the hearing on receipts/final discharge was continued twice from 10/8/04 & 12/17/04. Receipts are now filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Receipts filed 2/2/05 and Order for Final Discharge has been submitted

RECOMMENDATION:

Court's discretion re sanctions

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05347
CASE NAME: EST OF ELMER JACK GARRETT

HEARING:
Accounting Review

COUNSEL:

RICHARD ALAN BRAY (PET)...CHRISTINA FERRANTE
ELMER JACK GARRETT (DEC)...
TIMOTHY GARRETT (PET)...WILSON,BORROR, DUNN & DAVIS
BOND SERVICES OF CALIF. INS. A(TP)...PRO/PER
DEPT OF HEALTH SERVICES (PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Accounting Review
Letters issued 3/16/04 and a first accounting/status report is due.

Continued once from 1/14/05

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. No I & A filed now overdue by 7 months.
2. No accounting filed.
3. Bond company requested special notice, which normally occurs when there has been an issue regarding payment or other problems with the bond.
4. Court should note that next matter, Estate of Elmer Jack Garrett appears to be a duplicate. Court has made two orders for administration. In SPR 05347, Letters of Administration were given to Richard Alan Bray, with Attorney Ferrante representing him. In SPR 05465, Order for Probate granted on 11/14/03 to Timothy Garrett as administrator, represented by Christina Ferrante. However, due to failure to file bond, Letters never issued. Attorney Ferrante to file declaration under penalty of perjury explaining this situation.

RECOMMENDATION:

Set OSC re failure to file documents, removal & sanctions. Suspend personal representative. Order Attorney Ferrante to file proof of service of notice of suspension on bond company and all heirs. Issue citation and have it personally served. Court to vacate one set of orders. Sanctions for filing duplicate estates may be in order, but there may be information not contained in files to explain.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05465

CASE NAME: EST OF ELMER JACK GARRETT

HEARING:
Accounting Review

COUNSEL:
TIMOTHY J GARRETT (PET)...CHRISTINA FERRANTE
ELMER JACK GARRETT (DEC)...

See notes above (matter 67)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05489

CASE NAME: EST OF AARON JACOB RAVINS

HEARING:
Accounting Review

COUNSEL:
DAVID RAVINS (PET)...JACK WILLIAMSON
DIANA RAVINS (PET)...JOHN C TORJESEN & ACCOCIATES
AARON JACOB RAVINS (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (first account/status report due)
Letters of Administration issued 10/3/03

Continued once from 12/3/04. No appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need accounting/status report filed.

RECOMMENDATION:

Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure (PC 11050).

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05538

CASE NAME: EST OF BARBARA ALICE COPELAND

HEARING:
Accounting Review

COUNSEL:
WILLIAM NEIL COPELAND (PET)...PRO/PER
BARBARA ALICE COPELAND (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (first account/status report is due)
Letters Testamentary issued 10/17/03

Continued once from 12/17/04. No appearance

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need accounting/status report filed.

RECOMMENDATION:

Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure (PC 11050).

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05591

CASE NAME: ESTATE OF HAROLD W TAYLOR

HEARING:
Accounting Review

COUNSEL:

PATRICIA GAE GUNTHER (PET)...RICK J FENELLI
HAROLD W TAYLOR (DEC)...
LINDA CLASEN (TP)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (first account/status report is due) Letters Testamentary issued 11/21/03. It appears from the documents filed, there is pending litigation which the estate is pursuing per authorization from the court.

Continued once from 1/21/05. Matter continued at stipulation of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file accounting/status report.

RECOMMENDATION:

Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05782

CASE NAME: ESTATE OF JAMES COOK

HEARING:
Hearing re: FILING OF I&A

	COUNSEL:
JAMES COOK III	(PET)...MARTIN E KELLER
JAMES COOK	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on filing Inventory & Appraisal
Letters issued 4/9/04 and Inventory was due on 8/9/04.

Continued once from 10/29/04 at request from counsel for more time in which to file inventory. Nothing filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need to file Inventory & Appraisal overdue by 6 months.

RECOMMENDATION:

Failure to file the inventory within the time extended by the Court shall constitute contempt under PC 8804.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05878

CASE NAME: ESTATE OF DOROTHY L SOFFEL

HEARING:

Hearing Re: Inventory & Appraisal.

COUNSEL:

GILBERT J SOFFEL (PET)...WALTER T. MOORE
DOROTHY L SOFFEL (DEC)...
HEIR BUYOUT COMPANY (TP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on filing Inventory & Appraisal

Letters Testamentary issued 6/4/04. A Partial No. 1 Inventory was filed 9/21/04. No Final Inventory has been filed.

Continued once from 12/17/04 at request of counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Court may wish to inquire status of final inventory being filed.

RECOMMENDATION:

Find out status.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05964

VACATE – FINAL INVENTORY FILED 11/5/04

CASE NAME: MTR OF GHNOLIA H HOPE

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ROBYN H PLANTZ	(PET)...	GUAY P WILSON
GHNOLIA H HOPE	(DEC)...	
KIMBERLY A CROOKS	(TP)...	PRO/PER
RANDALL L HOPE	(PRO/PER)...PRO/PER
KIMBERLY A CROOKS	(PRO/PER)...PRO/PER
DEPARTMENT OF HEALTH SERVICES	(PRO/PER)...PRO/PER

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS05968

VACATE – FINAL INVENTORY FILED 11/17/04

CASE NAME: MTR OF PETRA C VACA

HEARING:

Hearing re: Inventory and appraisal

LISA S TSUGAWA	COUNSEL:
PETRA C VACA	(PET)...WALTER T. MOORE
	(DEC)...

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 11:00 DEPT: S5

CASE #: SPRSS46260

CASE NAME: IN THE ESTATE OF ELSIE FRANCIS BURBIE

HEARING:

Accounting Review

COUNSEL:

ELSIE FRANCIS BURBIE DECEDENT (DEC)...

THEODORE J PLESEK (PET)...SIDNEY E HORVITZ

ROBERT K HARRIMAN (SC)...SIDNEY E HORVITZ

HIGHLANDS INSURANCE GROUP (TP)...KEVIN PEGAN

BOND SERVICES OF CALIF. INS. A(PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (from prior administrator Ruth Plesek, for period 3/25/96 – 1/18/02) and also the Successor Administrator, Robert K. Harriman. who was appointed 11/26/02 (for the period 11/26/02-current date)

Continued several times since 1/16/04. Continued last from 12/3/04 where the status report of Attorney Horvitz was approved.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. A preliminary distribution was ordered by the court on 1/11/02. After preliminary distributions, it appears that approximately \$57,711 was left in the estate.
2. Per Status Report approved 12/3/04, Attorney Horvitz was contacting the taxing authorities for information on potential bank records for the estate and to determine if any deposits to the account(s) had withholding taxes to a suspense account.
3. Still outstanding issues:
 - (a) Need accounting from prior administrator, Ruth Plesek, for the period 3/26/96 – 11/18/02
 - (b) Need accounting from successor administrator, Robert K. Harriman, for the period 11/26/02 – current date
4. Bond of \$62,500 is currently fixed for Robert K. Harriman. Unknown if this amount is still sufficient.

RECOMMENDATION:

Suspend powers and set OSC re failure to file documents/removal/sanctions. Note counsel's address in file (tabbed in file). Issue Citation and have it personally served on successor administrator and counsel. Clerk to send notice to bonding company.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

MISC 1:30

DATE: 02/25/05 TIME: 1:30 DEPT: S5

CASE #: SC SS01501

CASE NAME: MATTER OF JAMES K ROGERS

HEARING:
Accounting Review

COUNSEL:
DIANE R ROGERS (CPE)...J. DAVID HORSPOOL
JAMES KENNETH ROGERS (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (6th Account due for period 1/1/03 – 12/31/04)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file 6th Account Current

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 1:30 DEPT: S5

CASE #: SC SS01542

CASE NAME: MATTER OF CHRISTIAN D THROOP

HEARING:
Accounting Review

COUNSEL:
DOLORES N KITE (CPE)...HARTNELL, HORSPOOL & FOX
CHRISTIAN D THROOP (CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (8th Account due for period 1/1/03 – 12/31/04). Substituted Judgment was granted for only asset of conservatorship estate on 11/7/03 to mother/conservator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need accounting/waiver of accounting filed.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 1:30 DEPT: S5

CASE #: SC SS01555

CASE NAME: MTR RE: VELDA GIGGY

HEARING:
Accounting Review

COUNSEL:
CANDICE STALLINGS (CPE)...JUDITH LYNN PILSON
VELDY GIGGY (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (3rd Account is due for period 1/31/03 – 12/31/04)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need accounting filed.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2 (Note: counsel's new mailing address as follows: P.O. Box 371, Raymond, CA 93653.)

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 1:30 DEPT: S5

CASE #: SC SS01659

CASE NAME: MATTR OF JUAN P CERVANTES

HEARING:
Accounting Review

COUNSEL:
PABLO CERVANTES (CPE)...DAVID K GARRETT
JUAN PABLO CERVANTES (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (2nd Account is due for period 1/1/03 – 12/31/04)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file 2nd account current.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 1:30 DEPT: S5

CASE #: SC SS02110

CASE NAME: MTR OF KENNETH PRATT

HEARING:
Accounting Review

	COUNSEL:
DOROTHY PRATT	(CPE)...HARTNELL HORSPOOL & FOX
KENNETH PRATT	(CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (5th Account is due for period 1/1/03 – 12/31/04)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file 5th account current/waiver of account

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 1:30 DEPT: S5

CASE #: SPRSS03359

CASE NAME: MATTER OF NANCY E SMEDLEY

HEARING:

Hearing Re: REVIEW OF FILING OF YEARLY RECEIPTS FOR 2004.

COUNSEL:

CORA LEE BROWN	(PET)...PRO/PER
NANCY E SMEDLEY	(DEC)...

GENERAL INFORMATION:

This case is set for hearing re Review of Filing of Yearly for 2004. Court ordered annual receipts for income to be filed for last year.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Distribution of funds to named beneficiaries for 2004, with copies of cancelled checks, has been filed

RECOMMENDATION:

Take matter off calendar and set for a review hearing for filing of yearly receipts of income for 2005. Set review date for 2/24/06.

San Bernardino Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

DATE: 02/25/05 TIME: 1:30 DEPT: S5

CASE #: SPRSS05044

CASE NAME: ESTATE OF BARBARA J. AUERBACH

HEARING:
Accounting Review

COUNSEL:

GREGORY S MOSSMAN (PET)...HARTNELL HORSPOOL & FOX
BARBARA J AUERBACH (DEC)...
JOSEPH AMIRI (OBJ)...ASLCHULER GROSSMAN STEIN & KAH

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (accounting is due for period 12/6/02-current date)

Letters of Administration issued 12/6/02

Per last Status Report granted 2/20/04, there exists a pending litigation matter that remains active and the estate cannot close.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file accounting/status report

RECOMMENDATION:

Court must send written notice to administrator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 11050.

